STATE OF ILLINOIS ILLINOIS COMMERCE COMMISSION

ORIGINAL

Norfolk Southern Railway Company,

Petitioner.

VS.

Illinois Department of Transportation; Blue Ridge Township; Santa Anna Township; the City of Le Roy; Empire Road District; Village of Downs; Downs Road District; Old Town Road District; City of Mansfield; City of Farmer City; Bloomington Road District; City of Bloomington and McLean County,

Respondents.

Docket T04-0017

DECEIVED
MAY 7 2004

Illinois Commerce Commission

RESPONSE TO PETITION

NOW COMES Petitioner, State of Illinois, Department of Transportation ("Department"), by and through its attorney Lisa Madigan, Attorney General for the State of Illinois, and as its Response To Petition filed by the Norfolk Southern Railway Company on February 25, 2004, the Department states it has no objection to the requested relief therein with regard to the following two crossings impacting public roadways under the jurisdiction of the Department of Transportation (1) Crossing 7: Indiana Street, DOT#543 304 R and (2) Crossing 15: US 136, DOT#543 326 R; provided that the direct testimony of William P. Hernan previously filed by the Norfolk Southern Railway Company with the Illinois Commerce Commission on March 18, 2004 is proffered and admitted as an exhibit in the same form and content as presented on March 18, 2004.

WHEREFORE, State of Illinois, Department of Transportation has no objection to the pending Petition with regard to the two crossings described hereinabove and does not request any further testimony or evidence from the Petitioner, provided any resulting order incorporates and/or the record reflects the direct testimony of William P. Hernan as of March 18, 2004 with regard to the two locations described hereinabove.

Respectfully submitted, ILLINOIS DEPARTMENT OF TRANSPORTATION

By: Lisa Madigan Attorney General

By: Stacey C. Hollo

Special Assistant Attorney General

Dated:

Illinois Department of Transportation 2300 South Dirksen Parkway, Rm. 300

Springfield, Illinois 62764 Telephone (217)782-0692 DOCKETED

PROOF OF SERVICE

The undersigned hereby certifies that a copy of the foregoing instrument was served upon the addressees listed below by mailing a true and correct copy via first class mail, postage pre-paid and depositing the same in the United States Mail, Springfield, Illinois, this 5th day of May, 2004:

Mr. Neil F. Flynn 1035 South Second Street Springfield, IL 62705

Ron Bartlett Supervisor Blue Ridge Township P.O. Box 563 Mansfield, IL 61854

Mary Lou Beggs Supervisor Santa Anna Township P.O. Box 295 Farmer City, IL 61842

Richard E. Boyle Gundlach, Lee, Eggmann, Royle and Roessler 5000 West Main St., Box 23560 Belleville, IL 62223-0560

Dean A. Buhrke Highway Commissioner Empire Road District 500 N. East St. Le Roy, IL 61752

Tracey Covert
Clerk
City of Bloomington
109 E. Olive St.
Bloomington, IL 61701-5219

Charles Fitzgerald Highway Commissioner Bloomington Road District RR 6, Box 5 Bloomington, IL 61704

Steve Gaines
Village President
Village of Mansfield
Village Hall
Mansfield, IL 61854-9999

John G. Gillis Highway Commissioner Santa Anna Township 505 Brookview Drive Farmer City, IL 61842

James D. Lanier Highway Commissioner Blue Ridge Township 2776 N. 1100 East Road Mansfield, IL 61854

Betty Kent Clerk Santa Anna Township 710 E. Richardson St. Farmer City, IL 61842

Susan King Clerk Village of Mansfield Village Hall Mansfield, IL 61854-9999 Delwin Kirby Mayor City of Farmer City 105 S. Main Farmer City, IL 61842-0049

Rodney E. Lush Highway Commissioner Downs Road District P.O. Box 53 Downs, IL 61736

Sue Marcum Clerk City of Le Roy P.O. Box 151 Le Roy, IL 61752-0151

Judy Markowitz Mayor City of Bloomington 109 E. Olive St. Bloomington, IL 61701-5219

Joseph M. Mikulecky Farnsworth Group 2709 McGraw Drive Bloomington, IL 61704

John W. Mitchell Mc Lean County Highway Engineer 102 S. Towanda Barnes Road Bloomington, IL 61704

Kathi Pritts Clerk Village of Downs P.O. Box 18 Downs, IL 61736-0018

Phillip Reynolds Highway Commissioner Old Town Road District RR 1, Box 121 Downs, IL 61736

Bob Rice Mayor City of Le Roy P.O. Box 151 Le Roy, IL 61752-0151 Jeffrey Schwartz Village President Village of Downs P.O. Box 18 Downs, IL 61736-0018

Sandra Shaw Clerk City of Farmer City 105 S. Main Farmer City, IL 61842-0049

Mary K. Sjoken Clerk Blue Ridge Township P.O. Box 328 Mansfield, IL 61854

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Petitioner,))) Docket: T04-0017
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Respondents.)

NOTICE OF FILING

(See Service List)

TO: Neil F. Flynn, Attorney

Ron Bartlett
May Lou Beggs
Richard E. Boyle
Dean A. Buhrke
Tracey Covert
Charles Fitzgerald
Steve Gaines

John G. Gillis James D. Lanier

Betty Kent

Betty Kent Susan King Delwin Kirby

Rodney E. Luch

Sue Marcum

Judy Makowita

Joseph M. Mikulecky

John W. Mitchell

Kathi Pritts

Phillip Reynolds

Bob Rice

Jeffrey Schwartz

Sandra Shaw

Mary K. Sjoken

PLEASE TAKE NOTICE that I have this 5th day of May 2004, forwarded to Mr. Dave Lazarides, Director of Processing, Transportation Division, of the Illinois Commerce Commission, Springfield, Illinois, for filing in the above matter, a Response To Petition, a copy of which is attached hereto and hereby served upon you.

Stacey C. Alollo

Special Assistant Attorney General

2300 South Dirksen Parkway, Room 300

Springfield, Illinois 62764

(217) 782-0692

Counsel for the Illinois

Department of Transportation